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PCT

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43bis.1)Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)Applicant's or agent's file reference
see form PCT/ISA/220**FOR FURTHER ACTION**
See paragraph 2 belowInternational application No.
PCT/EP2004/000507International filing date (day/month/year)
22.01.2004Priority date (day/month/year)
29.01.2003International Patent Classification (IPC) or both national classification and IPC
B65G51/03, B65G21/20Applicant
LANFRANCHI S.R.L.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2004/000507

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2004/000507

Box No. II Priority

1. ☒ The following document has not been furnished:

☒ copy of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).

☐ translation of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-5
	No: Claims	
Inventive step (IS)	Yes: Claims	2-5
	No: Claims	1
Industrial applicability (IA)	Yes: Claims	1-5
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

2. Reference is made to the following documents:

- D1: US-A-5 542 789 (KINCAID LARRY ET AL) 6 August 1996 (1996-08-06)
- D2: DE 201 02 557 U (VOLK & NADENAU GMBH) 25 October 2001 (2001-10-25)
- D3: US-A-5 246 314 (HILBISH BRIAN K ET AL) 21 September 1993 (1993-09-21)

Lack of inventive step

2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 does not involve an inventive step in the sense of Article 33(3) PCT.

Claim 1

2.2 The document **D1** is regarded as being the closest prior art to the subject-matter of claim 1, and discloses in column 4, line 60 to column 6, line 30, figures 1-11 (the references in parentheses applying to this document):

An air transport device (10) for plastic vessels (12) equipped with a projecting collar (20) and equipped with a sliding lane (26) that enters below the vessel collar (20) and with guides (42) of the vessel body (12) placed in a sliding recess of said body (12), where it provides adjusting means of the horizontal guide position with respect to the vertical vessel axis or the sliding lane (26), said means being able to be simultaneously driven through a processor in which characteristic dimensional data of the various vessels (12) to be transported are entered.

The subject-matter of claim 1 therefore differs from this known air transport device in D1 in that:

It additionally provides adjusting means of the vertical guide position.

- 2.3 The problem to be solved by the present invention may therefore be regarded as how to also provide vertical adjustment of the vessel body guides.
- 2.4 The solution proposed in claim 1 of the present application cannot be considered as involving an inventive step (Article 33(3) PCT) for the following reasons.

The overmentioned distinguishing features have already been employed for the same purpose in a similar transport device for plastic vessels, see document **D2**, page 4, line 5 to page 5, line 5, page 7 line 1 to page 8, line 1, figures 1-4. It would be obvious to the person skilled in the art, namely when the same result is to be achieved, to apply these features with corresponding effect to a transport device for plastic vessels according to document **D1**, thereby arriving at a transport device for plastic vessels according to claim 1.

- 2.5 Claim 1 has been interpreted as that the device provides **first** adjusting and **second** adjusting means. The applicant should note that **D3 is novelty destroying** considering one adjusting means with double action (in x and y axis).

Dependent claims

- 2.6 The combination of the features of dependent claim 2 is neither known from, nor rendered obvious by, the available prior art. The reasons are as follows:

Neither **D1** nor **D2** disclose horizontal adjusting means for the position of the guides comprising a ratio-motor meshing with a threaded bar at one end of which a guide clamp is securely fixed.

- 2.7 The combination of the features of dependent claims 3-5 is neither known from, nor rendered obvious by, the available prior art.